

REMARKS

I. Requirement for Restriction

The Examiner has restricted the claims under 35 U.S.C. 121 into the following inventive groups:

- I. Claims 1-18, 41-43 and 53-65, drawn to a recombinant varicella-zoster virus (VZV).
- II. Claims 19-40 and 44-62, drawn to a vector comprising a VZV essential gene.
- III. Claims 66 and 67, drawn to a method of introducing a mutation into a vector comprising a VZV essential gene.
- IV. Claims 68-91, drawn to a nucleic acid cassette.

Applicants elect to prosecute the claims of Group I, 1-18, 41-43 and 53-65, without traverse, and reserve the right to pursue non-elected subject matter in one or more timely filed continuation, divisional or continuation-in-part applications.

Furthermore, the Examiner has required election of a species. Applicants elect the species "the region in the ORF of gene 13" to begin prosecution on the merits. Applicants understand this election of species is being made solely to facilitate examination, and that they will be entitled to consideration of additional species upon allowance of generic claims. Elected claims 1-4, 6-18, 41-43 and 53-65 read on this elected species.

CONCLUSION

In view of the foregoing, the pending claims are believed to satisfy all of the criteria for patentability and are in condition for Allowance. An early indication of the same is therefore kindly requested.

No fees beyond the fee for a two-month extension of time are believed to be due in connection with this response. However, the Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to King & Spalding LLP Deposit Account No. 50-4616.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 590-1932.

Respectfully submitted,
KING & SPALDING LLP

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